

TWENTY-EIGHTH DAY.

(Friday, February 15, 1929.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.	Kemble.
Acker.	Kennedy.
Ackerman.	Kenyon.
Adkins.	Kincaid.
Anderson.	King.
Avis.	Kinnear.
Baker.	Land.
Baldwin.	Lee.
Barnett.	Long of Wichita.
Beck.	Loy.
Bond.	Mankin.
Bounds.	Martin.
Bradley.	Mauritz.
Brice.	Maynard.
Brooks.	McDonald.
Carpenter.	McGill.
Chastain.	McKean.
Conway.	Mehl.
Cox of Navarro.	Metcalfe.
Cox of Lamar.	Minor.
Cox of Limestone.	Montgomery.
Davis.	Moore.
DeWolfe.	Morse.
Dunlap.	Mosely.
Duvall.	Murphy.
Enderby.	Negley.
Ewing.	Olsen.
Eickenroht.	Palmer.
Finn.	Patterson.
Finlay.	Pavlica.
Forbes.	Petsch.
Gates.	Pool.
Gilbert.	Pope of Jones.
Graves	Pope of Nueces.
of Williamson.	Prendergast.
Graves of Erath.	Purl.
Hardy.	Quinn.
Harding.	Ray.
Harman.	Reader.
Harper.	Renfro.
Harrison.	Richardson.
Heaton.	Rogers.
Hefley.	Rountree.
Hines.	Sanders.
Hogg.	Savage.
Hopkins.	Shaver.
Hornaday.	Shelton.
Hubbard.	Sherrill.
Jenkins.	Shipman.
Johnson	Simmons.
of Dimmit.	Sinks.
Johnson of Smith.	Snelgrove.
Johnson of Scurry.	Speck.
Justiss.	Stephens.
Kayton.	Stevenson.
Keeton.	Storey.
Keller.	Strong.

Tarwater.	White.
Thurmond.	Wiggs.
Tillotson.	Williams
Turner.	of Sabine.
Van Zandt.	Williams
Waddell.	of Travis.
Wallace.	Woodall.
Walters.	Woodruff.
Warwick.	Young.
Webb.	

Absent—Excused.

Albritton.	Mullally.
Bateman.	Nicholson.
Coltrin.	O'Neill.
Fuchs.	Reid.
Gerron.	Smith.
Giles.	Thompson.
Holder.	Veatch.
Jones.	Westbrook.
Lemens.	Williams
Long of Houston.	of Hardin.
McCombs.	

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Bateman for today, on motion of Mr. Van Zandt.

Mr. Coltrin for today, on motion of Mr. Gilbert.

Mr. Westbrook for today, on motion of Mr. Hopkins.

Mr. McCombs for today and tomorrow and next Monday, on motion of Mr. Keller.

Mr. Nicholson for today, on motion of Mr. Kinnear.

The following members were granted leaves of absence on account of illness:

Mr. Gerron for today, on motion of Mr. Anderson.

Mr. Veatch for today, on motion of Mr. Graves of Erath.

Mr. Fuchs for today, on motion of Mr. Shelton.

The following members were granted leaves of absence on account of important committee work:

Messrs. Reid, Lemens, Holder, Long of Houston and Smith.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Kayton, Mr. King and Mr. Turner:

H. B. No. 676, A bill to be entitled "An Act to amend Section 25, Chapter 212, House bill No. 59, Acts of the Fortieth Legislature, Regular Session, 1927, repealing all laws and parts of laws in conflict."

Referred to Committee on Penitentiaries.

By Mr. Murphy:

H. B. No. 677, A bill to be entitled "An Act to provide for the selection of jurors for service in civil suits in the district and county courts of counties having a population of at least 16,775 and not more than 17,000, as shown by the preceding Federal census."

Referred to Judiciary Committee.

By Mr. Murphy:

H. B. No. 678, A bill to be entitled "An Act to provide for the selection of special venire in cases in counties having a population of at least 16,775 and not more than 17,000, as shown by the preceding Federal census."

Referred to Judiciary Committee.

By Mr. Graves of Erath:

H. B. No. 679, A bill to be entitled "An Act to amend Title 7, Article 190a, of the Revised Civil Statutes of the State of Texas, 1925, so as to add certain counties."

Referred to Committee on Game and Fisheries.

By Mr. Hefley, Mr. McKean and Mr. Eickenroht:

H. B. No. 680, A bill to be entitled "An Act to amend Article 2858, Chapter 16, of the Revised Civil Statutes of the State of Texas, 1925, by requiring text book companies to establish and maintain a depository in the city of Austin, Texas, for their goods to supply immediate demands."

Referred to Committee on Education.

By Mr. Gates:

H. B. No. 681, A bill to be entitled "An Act creating a special road law for Karnes county, Texas, requiring surety bonds of road overseers, containing a provision that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1929, setting forth the method of said operation."

Referred to Committee on Highways and Motor Traffic.

By Mr. Kemble and Mr. Morse:

H. B. No. 682, A bill to be entitled "An Act to amend Articles 148, 150 and 151 of the Penal Code by providing for the use and protection of any seal or emblem of the State of Texas; providing a penalty for the violation of this act; and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Kemble and Mr. Morse:

H. B. No. 683, A bill to be entitled "An Act making it unlawful for any officer or employee of this State to issue or publish any publication or bulletin in his official capacity, which bulletin or publication carries any advertising matter of any nature whatsoever; providing a penalty for the violation of this act; and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. McGill:

H. B. No. 684, A bill to be entitled "An Act amending Article 36 of the Penal Code of 1925, so as to provide a rule in reference to evidence and defenses in criminal cases relative to temporary insanity caused by, the recent voluntary use of intoxicating liquor or any narcotic or narcotic drug of any kind, etc., and relating to the instructions to the jury relative thereto; and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Quinn, House bills Nos. 655 and 658 were ordered not printed.

On motion of Mr. Sanders, Senate bill No. 355 was ordered not printed.

BILL RE-REFERRED.

On motion of Mr. Webb, House bill No. 307 was withdrawn from the Committee on Appropriations and referred to the Committee on Agriculture.

COMMUNICATION IN REGARD TO PSYCHOPATHIC HOSPITAL.

The Speaker laid before the House and had read the following communication from Dr. Marvin Lee Graves of Houston:

Houston, Texas, February 13, 1929.

Mrs. Helen Moore, Vice-Chairman Committee on State Eleemosynary and Reformatory Institutions, House of Representatives, Austin, Texas.

Dear Mrs. Moore: I have noticed in the public press that a bill was introduced into the Legislature amending Article No. 3192 regarding the establishment of two psychopathic hospitals in Texas. As I understand it the original bill, which this bill seeks to amend, provided for the establishment of a State psychopathic hospital at Galveston to be known as the Galveston State Psychopathic Hospital for the treatment of nervous and mental diseases both in the hospital and out patient clinic, and should be available as a part of the teaching facilities in mental medicine for the Medical Department of the University of Texas. The other hospital was to be located at Dallas, Texas, for the treatment of nervous and mental diseases and was to have hospital and out patient clinic. If I understand clearly the purport of House bill No. 508 seeking to amend Article 3192 it completely nullifies the above locations and provisions and directs that these psychopathic hospitals should be located by the Board of Control and in connection with and as part of the hospitals for the insane.

If bill No. 508 is enacted, it will completely destroy the altruistic purposes of the original bill and such psychopathic hospitals so located will become simply additional pavilions of treatment largely for the custodial care of patients committed by trial to the State hospitals. The purpose of the psychopathic hospitals located at Galveston and Dallas was first of all to provide for acute and curable cases of mental disorder, a voluntary admission to a hospital in which they could secure the most modern and up-to-date scientific treatment of their cases without the necessity of being tried in a court of law and convicted by a jury and practically sentenced to a term in a State hospital. This antiquated law is still in operation in our State and is a serious handicap to the proper treatment of mental diseases.

The organization of a State Psychopathic Hospital in connection with the State Medical College at Galveston would give the patient the benefit of all scientific departments supplied at the Medical Department of the University of Texas and its hospital there. The

John Sealy, where collaboration with other scientific care. The State hospitals do not maintain any such laboratories and are not prepared or equipped in any way to give the treatment designed by these psychopathic hospitals. I do not believe that they would be equipped and operated in such manner at our State hospitals ever to fulfill this purpose.

Moreover, the location at Galveston particularly, would give the teaching faculty the opportunity to utilize the cases for the instruction of medical students, who would be prepared to recognize and treat incipient cases of insanity or mental disorders at their own homes and in their own practice in a much better way than is now being done. This important function of such institutions ought not to be minimized in any way as the welfare of the people will be much more greatly served by such provision. It is to be hoped that the Legislature will recognize the distinction between psychopathic hospitals so operated and so located and those attached to the State hospitals.

A splendid illustration of this is the Phipps Psychopathic Institute at Baltimore, a part of the Johns Hopkins University Educational and Scientific equipment. Patients are voluntarily admitted there from all over the country and have superior scientific care.

The original bill recommended these two institutions be located at Galveston and Dallas, where the one can take care of South Texas and the other North Texas with its dense population. It would be a serious step backward in the care of the mentally diseased to enact House bill No. 508 into law, and immediate provision should be made for the erection and operation of the two psychopathic hospitals as originally passed in House bill No. 3192. In this way the people of Texas may secure a modern scientific study and treatment of acute and curable cases of mental diseases.

Very truly yours,
(Signed) M. L. GRAVES.

MOTION TO PRINT BILL.

Mr. Quinn moved that House joint resolution No. 4, reported adversely with a minority favorable report, be printed, and the motion was lost.

Mr. Kennedy moved to reconsider the vote by which the motion was lost, and to table the motion to reconsider.

The motion to table prevailed.

RELATING TO CONSIDERATION OF
HOUSE BILL NO. 279.

Mr. Duvall offered the following resolution:

Whereas, The people of Texas have evidenced keen interest in House bill No. 279, commonly known as the bill regulating the betting on horses in Texas; and

Whereas, The general provisions of this bill have not been thoroughly discussed in any open forum in Texas; and

Whereas, The proponents of the bill should have a fair and just opportunity to present their cause to the people of Texas; and

Whereas, The opponents of the bill would like to inquire into the practical working of the bill if enacted into law; be it

Resolved, That the House of Representatives invite the proponents and opponents of the bill to meet in the House of Representatives on Monday evening, February 18th, at which time both sides will be given an equal opportunity to present their cases for and against the bill, the Speaker of the House to appoint the presiding officer of the evening and the organization of the House to maintain order and decorum.

Signed—Duvall, Holder, Patterson.

The resolution was read second time.

Mr. Tillotson raised a point of order on further consideration of the resolution on the ground that the bill is not now before the committee.

The Speaker overruled the point of order.

Mr. Woodruff raised a point of order on further consideration of the resolution at this time on the ground that the time for consideration of resolutions has expired.

The Speaker sustained the point of order.

MOTION TO SUSPEND RULE.

Mr. Duvall moved that the House rule relating to the consideration of resolutions be suspended for the purpose of considering at this time the resolution relating to House bill No. 279.

The motion was lost by the following vote:

Yeas—37.

Ackerman.	Bond.
Baker.	Brice.
Barnett.	Brooks.

Conway.	Mauritz.
Cox of Lamar.	Metcalfe.
Davis.	Minor.
Duvall.	Petsch.
Forbes.	Prendergast.
Gilbert.	Ray.
Graves	Rogers.
of Williamson.	Rountree.
Graves of Erath.	Savage.
Harman.	Shaver.
Harper.	Shipman.
Hornaday.	Tarwater.
Johnson of Scurry.	Waddell.
Kincaid.	Wiggs.
King.	Williams
Lee.	of Sabine.
Loy.	

Nays—62.

Adkins.	McDonald.
Anderson.	McGill.
Avis.	McKean.
Baldwin.	Mehl.
Beck.	Moore.
Bounds.	Mosely.
Carpenter.	Murphy.
Cox of Limestone.	Negley.
DeWolfe.	Palmer.
Enderby.	Pavlica.
Eickenroht.	Pool.
Finn.	Pope of Jones.
Finlay.	Pope of Nueces.
Gates.	Purl.
Hardy.	Quinn.
Harding.	Richardson.
Harrison.	Shelton.
Heaton.	Sherrill.
Hefley.	Simmons.
Hogg.	Sinks.
Hopkins.	Snelgrove.
Jenkins.	Speck.
Johnson	Storey.
of Dimmit.	Strong.
Johnson of Smith.	Thurmond.
Justiss.	Turner.
Kennedy.	Van Zandt.
Kenyon.	Walters.
Land.	Woodall.
Long of Wichita.	Woodruff.
Mankin.	Young.
Martin.	

Present—Not Voting.

White.

Absent.

Bradley.	Kinnear.
Chastain.	Maynard.
Cox of Navarro.	Montgomery.
Dunlap.	Morse.
Ewing.	Olsen.
Hines.	Patterson.
Hubbard.	Reader.
Kayton.	Renfro.
Keeton.	Sanders.
Keller.	Stephens.
Kemble.	Stevenson.

Tillotson.
Warwick.
Webb.

Williams
of Travis.

Absent—Excused.

Acker.
Albritton.
Bateman.
Coltrin.
Fuchs.
Gerron.
Giles.
Holder.
Jones.
Lemens.
Long of Houston.
McCombs.

Mullally.
Nicholson.
O'Neill.
Reid.
Smith.
Thompson.
Veatch.
Wallace.
Westbrook.
Williams
of Hardin.

RELATING TO HOUSE BILL NO. 498.

On motion of Mr. Webb, the following was ordered printed in the Journal:

Whereas, House bill No. 498 having been printed on favorable action of the Committee on Live Stock, but appearing from printed bill that the committee considering same made an adverse report; now, therefore, it is moved that said printed bill be corrected so that the action of said committee will show a favorable report without the necessity of reprinting the bill.

REMARKS BY MR. ALBRITTON IN REGARD TO HIDALGO COUNTY ELECTION CONTEST.

The following remarks by Mr. Albritton were ordered printed in the Journal:

On February 4th Judge Sinks, chairman of the Committee on Privileges and Elections, came on the floor of the House and asked the Legislature how much money they were willing to appropriate to have witnesses and testimony brought from Hidalgo county to Austin in the contest case of Smith vs. Montgomery for the seat in this House.

The House decided, after asking Judge Sinks in his opinion, what amount of money would be necessary to accomplish this purpose, stated that it would take probably \$200,000 or \$300,000. This amount, of course, could not be appropriated by the Legislature for this purpose inasmuch as the interests of the State must be guarded and such an amount of money appropriated out of its treasury would not justify the hearing of testimony in this case at such a price. Judge Sinks did not state on this occasion, as I recall, that the committee had promised the delegation from Hidalgo county that appeared before the committee that they would be given

a hearing on June 6th, nor did he state, so far as I can recall, that the Sergeant-at-Arms, Mr. White, had sent all necessary authority to the county judge of Hidalgo county, summoning certain witnesses to appear on this occasion.

After the House had decided that it would not be justifiable in appropriating this tremendous amount of money, Representative Beck of Tarrant county moved that the committee make a report dismissing this case, and that Mr. Montgomery be notified that he was seated as the regularly elected member of the Forty-first Legislature.

Mr. Montgomery I consider a personal friend of mine. The records will show that in the past, in measures pertaining to the improvement of agricultural conditions in his section of the State, that I have always supported said measure. I do not know Mr. Smith personally, therefore could have no prejudice against Mr. Montgomery in making this statement, but I wish to say that if Judge Sinks had have stated that a hearing had been promised and that witnesses were in process of being summoned in said case, I would not have supported the Beck resolution.

I make this statement in justice to myself and my conscience, as I have had no opportunity to make same on the floor of the House.

HOUSE BILL NO. 13 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 13. A bill to be entitled "An Act to provide that appointment to the State service shall be on the basis of merit determined by examination, with certain exceptions; providing that the State Board of Control shall administer this act and provide for examinations and rules therefor; defining competitive and non-competitive classes, and providing for fees for examination."

The bill was read third time.

Mr. Hardy offered the following amendment to the bill:

Amend engrossed House bill No. 13, page 6, line 24, by adding after the word "power" the following "provided, however, that the appointing power may, without any reasons expressed to the board, require the board to substitute another employee in place of an employee in his department if in his opinion harmony and the good of the service requires it."

The amendment was adopted.

(Mr. Johnson of Dimmit in the chair.)

Mr. Wallace offered the following amendment to the bill:

Amend House bill No. 13 of the engrossed bill by striking out all of line 19 and by adding the following, "the secretary or chief clerk to the head or heads of any department; and provided further, that a secretary or chief clerk to the head or heads of any department shall never be required to take an examination should they change positions or departments."

The amendment was adopted.

(Speaker in the chair.)

RECESS.

On motion of Mr. Kinnear, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

ADDRESS BY EX-GOVERNOR BROOKS OF WYOMING.

Speaker Barron, after stating that ex-Governor Brooks of Wyoming was within the bar of the House, introduced him to the House.

Ex-Governor Brooks then addressed the House.

HOUSE BILL NO. 13 ON FINAL PASSAGE.

The House resumed consideration of pending business, same being House bill No. 13, relating to civil service, on its final passage.

The bill having heretofore been read third time.

Mr. Anderson offered the following amendment to the bill:

Amend House bill No. 13, page 4, line 25, by adding after the word "employee," "provided, however, no employee may be transferred from one department to another department and then discharged for incompetency."

The amendment was adopted.

Mr. Anderson offered the following amendment to the bill:

Amend House bill No. 13, page 5, line 13, by adding the following after the word "State," "nothing in this act shall be construed to prevent employees coming under its provisions to associate themselves together and form professional or trades unions or like organizations or associations for the pur-

pose of protecting themselves in their personal work, personal labor and personal service, or to abridge their rights of acting as a body when supporting a candidate having the endorsement of such organization as they may form."

Mr. Williams of Travis moved to table the amendment, and the motion was lost.

Question then recurring on the amendment, it was lost.

Mr. Anderson offered the following amendment to the bill:

Amend House bill No. 13, page 3, line 19, by striking out the words "five dollars" and placing in lieu thereof "three dollars."

The amendment was adopted.

Mr. Anderson offered the following amendment to the bill:

Amend House bill No. 13, page 3, by adding between lines 27 and 28 the following:

"Sec. 3b. Any applicant injured or aggrieved by any action, conduct, false representation or false statement of any member of such board or appointing officer or officers may bring suit for damages against such board, officer or officers where such action, conduct, false representation or false statement was made, in any court of competent jurisdiction, without the necessity of making the State a party thereto."

The amendment was adopted.

Mr. Anderson offered the following amendment to the bill:

Amend House bill No. 13, page 3, by adding between lines 27 and 28 the following:

"Sec. 3a. A receipt shall be given to the applicant by the examining board for all fees collected from such applicant. The form of such receipt shall be prescribed by the board and shall contain the name of the applicant, the amount of the fee paid, the date, the character of the work or the situation desired, the name of the departmental head, and the location of the work the applicant is to perform. The board shall return all such fees received from such applicant under the provisions of this act where the applicant does not secure employment under the civil service law; provided, however, no fee shall be charged for the listing, classification or examination of applicant where the position sought pays less than \$125 per month."

The amendment was adopted.

Mr. Anderson offered the following amendment to the bill:

Amend House bill No. 13, page 2, by adding a new paragraph between lines

18 and 19, as follows: "All students, whether of public or private schools or institutions of learning."

The amendment was lost.

House bill No. 13 then failed to pass by the following vote:

Yeas—46.

Baker.	Montgomery.
Beck.	Morse.
Chastain.	Negley.
Davis.	Petsch.
Ewing.	Pool.
Forbes.	Pope of Jones.
Graves	Prendergast.
of Williamson.	Purl.
Hardy.	Reader.
Harrison.	Richardson.
Hogg.	Shaver.
Hubbard.	Shelton.
Jenkins.	Simmons.
Johnson	Speck.
of Dimmit.	Tillotson.
Johnson of Scurry.	Van Zandt.
Kayton.	Waddell.
Keeton.	Wallace.
Keller.	White.
Kemble.	Williams
Kincaid.	of Travis.
Land.	Woodall.
McGill.	Woodruff.
Minor.	Young.

Nays—60.

Acker.	Mankin.
Ackerman.	Martin.
Adkins.	Maynard.
Anderson.	McDonald.
Avis.	McKean.
Barnett.	Mehl.
Bond.	Moore.
Bounds.	Mosely.
Brice.	Murphy.
Brooks.	Olsen.
Cox of Lamar.	Palmer.
Cox of Limestone.	Pavlica.
DeWolfe.	Pope of Nueces.
Enderby.	Ray.
Eickenroht.	Renfro.
Finn.	Rogers.
Gates.	Sanders.
Gilbert.	Shipman.
Harding.	Sinks.
Harman.	Stephens.
Harper.	Stevenson.
Heaton.	Storey.
Hefley.	Tarwater.
Hines.	Thurmond.
Hopkins.	Turner.
Hornaday.	Walters.
Johnson of Smith.	Webb.
Kennedy.	Wiggs.
King.	Williams
Kinnear.	of Sabine.
Long of Wichita.	

Present—Not Voting.

Carpenter. Sherrill.

Absent.

Baldwin.	Mauritz.
Conway.	Metcalfe.
Cox of Navarro.	Mullally.
Dunlap.	Patterson.
Duvall.	Rountree.
Finlay.	Savage.
Graves of Erath.	Snelgrove.
Kenyon.	Strong.
Lee.	Thompson.
Loy.	Warwick.

Absent—Excused.

Albritton.	Long of Houston.
Bateman.	McCombs.
Bradley.	Nicholson.
Coltrin.	O'Neill.
Fuchs.	Reid.
Gerron.	Smith.
Giles.	Veatch.
Holder.	Westbrook.
Jones.	Williams
Lemens.	of Hardin.

Paired.

Mr. Quinn (present), who would vote "yea," with Mr. Long of Houston (absent), who would vote "nay."

Mr. Justiss (present), who would vote "yea," with Mr. Lemens (absent), who would vote "nay."

Reason for Vote.

My reason for voting against the civil service bill:

I decry the trend of the Legislature in creating additional boards, bureaus and commissions, as this bill does. There are no discriminations as between whites and blacks; Southern people and the traditions of the Democratic party deplore social equality and believe there is a proper place for every citizen, but that place is not side by side in the departments of government or in any other walks of life. I further believe the passage of this bill would discriminate against rural applicants for employment, under its provisions. I believe better efficiency will be had by permitting the heads of departments to employ their own assistance, as in that way such heads will be responsible for the conduct of their departments, with no alibis.

GILBERT.

Mr. DeWolfe moved to reconsider the vote by which the bill failed to pass, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Woodall moved a call of the House for the purpose of maintaining a quorum until 4:30 o'clock p. m. today, and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

Mr. Morse moved to reconsider the vote by which the call of the House was ordered.

The motion to reconsider prevailed.

The motion for the call of the House was lost.

Mr. Morse moved that the House adjourn until 9 o'clock a. m. tomorrow, and the motion was lost.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 15, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed finally:

S. B. No. 341, A bill to be entitled "An Act to authorize H. L. McKee, his heirs, legal representatives and assigns to construct, maintain and operate a bridge across Lake Sabine at or near Port Arthur, Texas."

S. B. No. 296, A bill to be entitled "An Act to provide that in the event there should be awarded to the State of Texas by the final decree of the United States Supreme Court at Washington, D. C., in its final judgment in the suit of the State of Oklahoma against the State of Texas, the United States, intervenor, any area of land along the 100th degree west longitude adjacent to the east side of the Panhandle of Texas and the west side of the State of Oklahoma, such area shall, upon the happening of that event, be and become a portion, part and parcel of and incorporated into the several counties of the State of Texas adjacent thereto for all governmental purposes by the extension of the north and south boundary lines of same east to the true 100th degree of west longitude as may be fixed by said court; to withhold said area for final disposition by future legislation; to provide for the ascertainment of the character of the land and improvements thereon and the kind and character and status of all claims of right and title

thereto; to provide for one claiming a right therein to proceed to establish such right; and declaring an emergency."

That the Senate has concurred in the House amendments to Senate bills Nos. 62 and 206 by a vote of 23 yeas and 0 nays; and Senate bill No. 406 by a vote of 22 yeas and 1 nay.

That the Senate has refused to concur in House amendments to Senate bill No. 49 and requests the House for the appointment of a free conference committee to adjust the differences. The following are appointed as conferees on part of the Senate: Senators Williamson, Beck, Berkeley, Small and Stevenson.

Respectfully,
MORRIS C. HANKINS,
Assistant Secretary of the Senate.

CALL OF THE HOUSE ORDERED.

Mr. Tillotson moved a call of the House for the purpose of maintaining a quorum until 4 o'clock p. m. today, and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Kayton, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

The roll of the House was called, and the following members were present:

Mr. Speaker.	Forbes.
Acker.	Gates.
Adkins.	Graves
Anderson.	of Williamson.
Avis.	Graves of Erath.
Baker.	Hardy.
Beck.	Harding.
Bond.	Harper.
Bounds.	Harrison.
Bradley.	Heaton.
Brice.	Hefley.
Brooks.	Hines.
Carpenter.	Hogg.
Chastain.	Hopkins.
Conway.	Hornaday.
Cox of Navarro.	Hubbard.
Cox of Lamar.	Jenkins.
Cox of Limestone.	Johnson
Davis.	of Dimmit.
Enderby.	Johnson of Smith.
Ewing.	Johnson of Scurry.
Eickenroht.	Justiss.
Finn.	Kayton.

Keller.	Rogers.
Kennedy.	Rountree.
Kemble.	Sanders.
Kincaid.	Savage.
Kinnear.	Shelton.
Land.	Sherrill.
Long of Wichita.	Shipman.
Mankin.	Simmons.
Martin.	Sinks.
McDonald.	Snelgrove.
McGill.	Speck.
McKean.	Stephens.
Minor.	Stevenson.
Montgomery.	Storey.
Moore.	Tarwater.
Morse.	Thurmond.
Mosely.	Tillotson.
Murphy.	Turner.
Negley.	Van Zandt.
Palmer.	Waddell.
Pavlica.	Wallace.
Petsch.	Walters.
Pool.	Webb.
Pope of Jones.	White.
Pope of Nueces.	Wiggs.
Prendergast.	Williams
Purl.	of Sabine.
Quinn.	Williams
Reader.	of Travis.
Renfro.	Woodall.
Richardson.	Woodruff.

Absent.

Ackerman.	Loy.
Baldwin.	Mauritz.
Barnett.	Maynard.
DeWolfe.	Mehl.
Dunlap.	Mullally.
Duvall.	Olsen.
Finlay.	Patterson.
Gilbert.	Ray.
Harman.	Shaver.
Keeton.	Strong.
Kenyon.	Thompson.
King.	Warwick.
Lee.	Young.
Long of Houston.	

Absent—Excused.

Albritton.	Metcalfe.
Bateman.	Nicholson.
Coltrin.	O'Neill.
Fuchs.	Reid.
Gerron.	Smith.
Giles.	Veatch.
Holder.	Westbrook.
Jones.	Williams
Lemens.	of Hardin.
McCombs.	

HOUSE BILL NO. 132 ON THIRD
READING.

The Speaker laid before the House, on its third reading and final passage, H. B. No. 132, A bill to be entitled

"An Act to amend Article 2529 of Chapter 1, Title 47, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 57 of the Acts of the First Called Session of the Fortieth Legislature, relating to the collateral security to be pledged by depositories for securing State funds by depositing a depository bond with the State Treasurer or by pledging with the State Treasurer bonds and certificates of indebtedness of the United States, obligations and pledges of the University of Texas."

The bill was read third time and was passed by the following vote:

Yeas—91.

Mr. Speaker.	McDonald.
Acker.	McGill.
Adkins.	McKean.
Avis.	Minor.
Barnett.	Montgomery.
Beck.	Moore.
Bond.	Morse.
Bounds.	Mosely.
Bradley.	Murphy.
Brice.	Olsen.
Brooks.	Palmer.
Carpenter.	Pavlica.
Chastain.	Petsch.
Conway.	Pool.
Cox of Navarro.	Pope of Jones.
Cox of Lamar.	Prendergast.
Cox of Limestone.	Purl.
Davis.	Quinn.
DeWolfe.	Reader.
Enderby.	Richardson.
Ewing.	Rogers.
Finn.	Rountree.
Forbes.	Sanders.
Gates.	Savage.
Harding.	Shelton.
Harman.	Shipman.
Heaton.	Simmons.
Hefley.	Sinks.
Hines.	Snelgrove.
Hogg.	Speck.
Hopkins.	Stephens.
Hornaday.	Stevenson.
Johnson	Storey.
of Dimmit.	Tarwater.
Johnson of Smith.	Thurmond.
Johnson of Scurry.	Tillotson.
Justiss.	Turner.
Kayton.	Van Zandt.
Keller.	Waddell.
Kemble.	Walters.
Kennedy.	Webb.
Kincaid.	White.
Kinnear.	Williams
Land.	of Sabine.
Long of Wichita.	Williams
Mankin.	of Travis.
Martin.	Woodruff.

Nays—5.

Baker.	Renfro.
Harper.	Wiggs.
Jenkins.	

Present—Not Voting.

Eickenroht.	Sherrill.
Harrison.	Woodall.

Absent.

Ackerman.	Long of Houston.
Anderson.	Loy.
Baldwin.	Mauritz.
Dunlap.	Maynard.
Duval.	Mehl.
Finlay.	Metcalfe.
Gilbert.	Mullally.
Graves	Negley.
of Williamson.	Patterson.
Graves of Erath.	Pope of Nueces.
Hardy.	Ray.
Hubbard.	Shaver.
Keeton.	Strong.
Kenyon.	Thompson.
King.	Warwick.
Lee.	Young.

Absent—Excused.

Albritton.	Nicholson.
Bateman.	O'Neill.
Coltrin.	Reid.
Fuchs.	Smith.
Gerron.	Veatch.
Giles.	Wallace.
Holder.	Westbrook.
Jones.	Williams
Lemens.	of Hardin.
McCombs.	

HOUSE BILL NO. 222 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 222, A bill to be entitled "An Act to amend Article 324 of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 23 of the General Laws of the Regular Session of the Fortieth Legislature of Texas, passed and approved February 12, 1927, relating to the appointment of assistant district attorneys in judicial districts consisting of more than one county in which there is situated a city of 28,000 population or over, according to the last preceding United States census or any United States census which may hereafter be taken, so as to provide for the appointment of assistant district attorneys in such judicial districts in which there is situated a city of 22,500 population or over, according to the last United States census or any

United States census which may hereafter be taken; and declaring an emergency."

The bill was read third time.

Mr. Johnson of Dimmit offered the following amendments to the bill:

(1)

Correct the caption to conform to the amendments.

(2)

Amend the caption by striking out the words "last preceding" in the next to the last line in the caption and inserting in lieu thereof the figures "1920," and by inserting between the word "or" and the word "any" in the same line the following, "in such judicial districts in which there is situated a city of 28,000 population or over according to."

(3)

Amend House bill No. 222 by striking out the word "clerk" in line 13, page 2, and insert in lieu thereof the word "judge."

The amendments were severally adopted.

House bill No. 222 was then passed by the following vote:

Yeas—100.

Mr. Speaker.	Hines.
Acker.	Hogg.
Ackerman.	Hopkins.
Adkins.	Hornaday.
Anderson.	Johnson
Avis.	of Dimmit.
Baker.	Johnson of Smith.
Barnett.	Johnson of Scurry.
Beck.	Justiss.
Bond.	Kayton.
Bounds.	Keller.
Bradley.	Kemble.
Carpenter.	Kennedy.
Chastain.	Kincaid.
Conway.	Kinnear.
Cox of Navarro.	Land.
Cox of Lamar.	Long of Wichita.
Cox of Limestone.	Mankin.
Davis.	Martin.
DeWolfe.	McDonald.
Dunlap.	McGill.
Enderby.	McKean.
Ewing.	Minor.
Finn.	Montgomery.
Forbes.	Moore.
Gates.	Morse.
Graves	Murphy.
of Williamson.	Olsen.
Hardy.	Palmer.
Harding.	Pavlica.
Harman.	Petsch.
Harper.	Pool.
Harrison.	Pope of Jones.
Hefley.	Pope of Nueces.

Prendergast.	Stephens.
Purl.	Storey.
Quinn.	Tarwater.
Ray.	Thurmond.
Reader.	Tillotson.
Renfro.	Turner.
Richardson.	Van Zandt.
Rogers.	Waddell.
Rountree.	Wallace.
Sanders.	Walters.
Shaver.	Webb.
Shelton.	White.
Sherrill.	Wiggs.
Shipman.	Williams
Simmons.	of Sabine.
Sinks.	Williams
Snelgrove.	of Travis.
Speck.	Woodruff.

Nays—4.

Heaton.	Mosely.
Jenkins.	Stevenson.

Present—Not Voting.

Brice.	Woodall.
Eickenroht.	

Absent.

Baldwin.	Mauritz.
Brooks.	Maynard.
Duvall.	Mehl.
Finlay.	Metcalfe.
Gilbert.	Mullally.
Graves of Erath.	Negley.
Hubbard.	Patterson.
Keeton.	Savage.
Kenyon.	Strong.
King.	Thompson.
Lee.	Warwick.
Long of Houston.	Young.
Loy.	

Absent—Excused.

Albritton.	McCombs.
Bateman.	Nicholson.
Coltrin.	O'Neill.
Fuchs.	Reid.
Gerron.	Smith.
Giles.	Veatch.
Holder.	Westbrook.
Jones.	Williams
Lemens.	of Hardin.

HOUSE BILL NO. 421 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 421, A bill to be entitled "An Act providing a ten-year period of limitation for the bringing of suit to recover land based upon certain defects in any instrument, where such instrument which has been or hereafter may be of record for ten years or more."

The bill was read third time and was passed by the following vote:

Yeas—102.

Mr. Speaker.	McGill.
Acker.	McKean.
Ackerman.	Minor.
Adkins.	Montgomery.
Anderson.	Moore.
Avis.	Morse.
Baker.	Mosely.
Barnett.	Murphy.
Beck.	Olsen.
Bond.	Palmer.
Bounds.	Pavlica.
Bradley.	Petsch.
Brice.	Pool.
Carpenter.	Pope of Jones.
Chastain.	Pope of Nueces.
Conway.	Prendergast.
Cox of Navarro.	Purl.
Cox of Limestone.	Quinn.
Davis.	Ray.
Dunlap.	Reader.
Ewing.	Renfro.
Eickenroht.	Richardson.
Finn.	Rogers.
Forbes.	Rountree.
Gates.	Sanders.
Graves	Shaver.
of Williamson.	Sherrill.
Hardy.	Shipman.
Harding.	Simmons.
Harper.	Sinks.
Harrison.	Smith.
Heaton.	Snelgrove.
Hefley.	Speck.
Hines.	Stephens.
Hogg.	Stevenson.
Hopkins.	Storey.
Hornaday.	Tarwater.
Jenkins.	Thurmond.
Johnson	Tillotson.
of Dimmit.	Turner.
Johnson of Smith.	Van Zandt.
Johnson of Scurry.	Waddell.
Justiss.	Wallace.
Kayton.	Walters.
Keller.	Webb.
Kemble.	White.
Kennedy.	Wiggs.
Kincaid.	Williams
King.	of Sabine.
Kinnear.	Williams
Long of Wichita.	of Travis.
Mankin.	Woodall.
Martin.	Woodruff.
McDonald.	

Absent.

Baldwin.	Finlay.
Brooks.	Gilbert.
Cox of Lamar.	Graves of Erath.
DeWolfe.	Harman.
Duvall.	Hubbard.
Enderby.	Keeton.

Kenyon.	Mullally.
Land.	Negley.
Lee.	Patterson.
Long of Houston.	Savage.
Loy.	Shelton.
Mauritz.	Strong.
Maynard.	Thompson.
Mehl.	Warwick.
Metcalfe.	Young.

Absent—Excused.

Albritton.	McCombs.
Bateman.	Nicholson.
Coltrin.	O'Neill.
Fuchs.	Reid.
Gerron.	Veatch.
Giles.	Westbrook.
Holder.	Williams
Jones.	of Hardin.
Lemens.	

CONFERENCE COMMITTEE ON SENATE BILL NO. 36.

The Speaker announced the following free conference committee on Senate bill No. 36:

Messrs. Kennedy, Bradley, Hopkins, Johnson of Dimmit and Woodall.

CONFERENCE COMMITTEE ON SENATE BILL NO. 49.

The Speaker announced the appointment of the following conference committee on Senate bill No. 49:

Messrs. Reader, Bounds, Duvall, Dunlap and Rogers.

HOUSE BILL NO. 3 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 3, A bill to be entitled "An Act to declare a State policy in the construction and maintenance of a State system of highways; declaring that such system of highways shall be developed from an independent revenue exclusive to the State adequate to traffic needs."

The bill was read second time.

Mr. Kayton moved that further consideration of the bill be postponed until 10 o'clock a. m. next Tuesday.

The motion prevailed.

HOUSE BILL NO. 20 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 20, A bill to be entitled "An Act relating to delinquent taxes by

amending Article 7321, Revised Civil Statutes for 1925, repealing Article 7322 of the Revised Civil Statutes for 1925, adding a new article, 7322a, amending Articles 7324, 7325, 7326, 7327, 7331, 7332, 7334, 7335, 7342, 7344 and 7345, and adding a new article, 7345a, amending Article 7321, so as to apportion delinquent taxes where there are several items of taxes, and providing that the delinquent tax record shall be preserved by the tax collector."

The bill was read second time.

On motion of Mr. Harman, further consideration of the bill was postponed until next Tuesday.

HOUSE BILL NO. 68 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 68, A bill to be entitled "An Act to regulate searches and seizures."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 86 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 86, A bill to be entitled "An Act to better define fraternal benefit societies, and providing and defining a lodge system for such; requiring a representative form of government."

The bill was read second time.

On motion of Mr. Webb, further consideration of the bill was postponed until next Monday.

HOUSE BILL NO. 88 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 88, A bill to be entitled "An Act regulating the slaughter and sale of the meat of animals for market, and providing that every person engaged in the occupation of a butcher or slaughterer of cattle in this State shall file a bond, to be approved by the county judge of the county in which he desires to carry on such business, setting out the terms of said bond, and providing penalties for violation thereof."

The bill was read second time.

On motion of Mr. Rountree, further

consideration of the bill was postponed until next Tuesday.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time and referred to the appropriate committees, as follows:

Senate bill No. 161, to the Committee on Labor.

Senate bill No. 221, to the Committee on Education.

Senate bill No. 296, to the Committee Public Lands and Buildings.

Senate bill No. 341, to the Committee on Public Lands and Buildings.

Senate bill No. 517, to the Committee on Education.

HONORARY PAGE APPOINTED.

The Speaker announced the appointment of Robert Emmet Morse, Jr., as honorary page.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, February 15, 1929.
Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed finally:

S. B. No. 161, A bill to be entitled "An Act amending Article 6814, Title 117, of the Revised Civil Statutes of the State of Texas of 1925, being an act fixing the salary of the Commissioner of the Bureau of Labor Statistics, his assistants, deputies and inspectors."

S. B. No. 517, A bill to be entitled "An Act appropriating to the University of Texas all inheritance taxes to be assessed against the estate of E. D. Farmer, deceased; providing that the amount of said taxes may be paid directly to the board of regents of the University of Texas, to be held and administered by said board of regents as a special fund to be known as the E. D. Farmer international scholarship fund; and declaring an emergency."

S. B. No. 221, A bill to be entitled "An Act relating to and regulating the furnishing of free text books for public free schools of this State; amending Sections 30, 31, 33, 34, 39 and 40, and repealing Section 41, of Chapter 176, of the General Laws of the Regular Session of the Thirty-ninth Legislature of this State; providing for the setting aside of funds for free text books used

in the public free schools of this State; providing for reports as to the funds for said text books; providing for the distribution of the amount set aside for free text books direct to the schools using such books, and the purchase of same by such schools themselves from the various text book depositories or agencies; and providing that any free text book moneys not used by any such school shall become a part of the available school moneys and may be used by it for general school purposes; making the necessary changes in the statutes to accomplish the main purpose of this act; and declaring an emergency."

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

(Mr. Hopkins in the chair.)

HOUSE BILL NO. 90 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 90, A bill to be entitled "An Act making it unlawful for any teacher or other instructor, in any university, college, normal, public school or other educational institution of this State, which is supported in whole or in part from public funds derived by State or local taxation, to teach as a fact that mankind evolved from a lower order of animals."

The bill was read second time.

Mr. Petsch offered the following amendment to the bill:

Amend House bill No. 90 by adding, between the word "animals" and the word "and" in line 26, the following, "and that the teachings of creation as set out in the Book of Genesis are untrue"; and also add the same words at the end of the sentence in line 33.

Mr. Johnson of Dimmit offered the following amendment to the amendment:

Amend amendment by striking out first word "and" and inserting the word "or."

The amendment to the amendment was lost.

Question then recurring on the amendment by Mr. Petsch, it was adopted.

Mr. Kennedy offered the following amendment to the bill:

Amend House bill No. 90, page 1, line 25, by striking out the words "as a fact."

The amendment was lost.

Mr. Morse moved the previous question on the engrossment of the bill, and the main question was ordered.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

The roll was called, and the Speaker announced that there was not a quorum present.

ADJOURNMENT.

On motion of Mr. Morse, the House, at 5:20 o'clock p. m., adjourned until 10 o'clock a. m. next Monday.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills, as follows:

Revenue and Taxation: House bill No. 51.

Education: House bills Nos. 578, 352 and 640; Senate bills Nos. 293, 411, 384 and 170.

Game and Fisheries: House bill No. 663; Senate bill No. 88.

Banks and Banking: Senate bill No. 81.

State Affairs: House bills Nos. 664, 658, 250 and 655; Senate bills Nos. 396, 317 and 287.

Insurance: House bill No. 652.

Counties: House bill No. 627.

Highways and Motor Traffic: House bill No. 628.

Labor: Senate bill No. 253.

Judicial Districts: Senate bills Nos. 462 and 493.

The Committee on Constitutional Amendments filed an adverse report on House joint resolution No. 4.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, February 15, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 659, A bill to be entitled "An Act to amend Chapter 60 of the Acts of the General and Special Laws of the Fortieth Legislature, First Called Session, approved on June 6th, 1927, amending Section 2 of said chapter, so as to provide that the district attorney

of the Ninetieth Judicial District of Texas may employ in lieu of an assistant district attorney a stenographer, and fixing the salary of a stenographer, and providing that said act shall take effect from the date of its passage, and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

DeWOLFE, for Chairman.

TWENTY-NINTH DAY.

(Monday, February 18, 1929.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.	Hefley.
Acker.	Hogg.
Ackerman.	Holder.
Adkins.	Hopkins.
Albritton.	Hornaday.
Anderson.	Hubbard.
Avis.	Jenkins.
Baker.	Johnson
Baldwin.	of Dimmit.
Barnett.	Johnson of Smith.
Bateman.	Johnson of Scurry.
Beck.	Jones.
Bond.	Kayton.
Bounds.	Keeton.
Bradley.	Keller.
Brice.	Kemble.
Carpenter.	Kennedy.
Chastain.	Kincaid.
Coltrin.	King.
Conway.	Kinnear.
Cox of Navarro.	Land.
Cox of Limestone.	Lee.
Davis.	Lemens.
DeWolfe.	Long of Houston.
Dunlap.	Long of Wichita.
Duvall.	Loy.
Enderby.	Mankin.
Ewing.	Mauritz.
Eickenroht.	Maynard.
Finn.	McDonald.
Finlay.	McGill.
Forbes.	McKean.
Gerron.	Mehl.
Gilbert.	Metcalf.
Giles.	Montgomery.
Graves	Moore.
of Williamson.	Morse.
Graves of Erath.	Mosely.
Hardy.	Mullally.
Harding.	Murphy.
Harman.	Negley.
Harper.	Olsen.
Harrison.	O'Neill.
Heaton.	Palmer.